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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSEPH AMORE,

CIVIL ACTION NO. 04 CIV 0176

Plaintiffs,

**ORDER GRANTING DEFENDANTS'
MOTION PURSUANT TO RULE
12(b)(6) COMPLAINT**

v.

CITY OF ITHACA and ANDREW NOVARRO,

Defendants.

THIS MATTER, having come before the Court on motion of G. Peter Van Zandt, attorney for defendants City of Ithaca and Andrew Novarro (hereinafter referred to as "Defendants"), by way of Motion pursuant to Fed. R. Civ. P. 12(b)(6), seeking an Order to Dismiss the Complaint, and the Court having considered the submissions and arguments of the parties, and for good cause shown;

IT IS on this day of , 2004;

ORDERED that Defendants' Motion to Dismiss the Complaint be, and the same hereby is, GRANTED, and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon counsel for plaintiff within seven (7) days.

Dated: , 2004

Frederick J. Scullin, Jr., U.S.D.J.